



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,177	09/25/2003	Noriyuki Okisu	15162/06200	7001

24367 7590 02/07/2007
SIDLEY AUSTIN LLP
717 NORTH HARWOOD
SUITE 3400
DALLAS, TX 75201

EXAMINER

NEGRON, WANDA M

ART UNIT	PAPER NUMBER
----------	--------------

2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/671,177

Applicant(s)

OKISU ET AL.

Examiner

Wanda M. Negrón

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3, 5, 6, and 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (US 6,229,566 B1).**

4. Regarding **claims 1 and 15**, Matsumoto et al. disclose an image-taking apparatus comprising an image sensor that captures an image (103), an image recorder that records an image captured by the image sensor on a recording medium, i.e. a storage unit (109), a display that displays an image recorded on the recording medium (113), a first selector that selects a mode for adding relevant information to an image captured by the image sensor, e.g. a switch (402) for starting the operation of the display in order for the user to add any annotations (see col.9, lines 35-37), and a second selector, i.e. a pen input device (403) that, when the first selector selects the mode for adding relevant information, selects as an image to which to add relevant information either an image recorded on the recording medium (see col. 10, lines 36-41)

Art Unit: 2622

or an image that is going to be newly captured by the image sensor (see col. 14, lines 19-27).

5. Regarding **claims 2 and 16**, Matsumoto et al. disclose that the relevant information is annotation information, i.e. attribute data (see col. 5, lines 39-45).

6. Regarding **claim 3**, Matsumoto et al. disclose that, when the second selector selects an image recorded on the recording medium as an image to which to add annotation information, i.e. when the user clicks on a contents screen (701), the display displays a selection screen for permitting selection of an image to which to add annotation information (see figure 9 and col. 10, lines 36-41).

7. Regarding **claim 5**, Matsumoto et al. disclose that the selection screen includes an image to which to add annotation information and an indication relating to annotation information already added thereto (see figure 9).

8. Regarding **claim 6**, Matsumoto et al. disclose an operation member, i.e. a pen input device (403), operated by a user, and a reproducer, i.e. a display (113), that, when the operation member is operated while an image to which to add annotation information is being displayed on the display, i.e. when the user clicks with the pen input device on the edit tool icon (602), reproduces annotation information already added to the image displayed on the display (see figure 9 and col. 10, lines 36-41).

9. Regarding **claim 9**, Matsumoto et al. disclose that the annotation information is an image that is going to be newly captured by the image sensor, i.e. a differential image obtain from the difference between the main image and sub-images taken before and after the main image (see col. 15, lines 45-53 and col. 16, lines 1-3).

Art Unit: 2622

10. Regarding **claim 10**, Matsumoto et al. disclose a sound recorder, i.e. a microphone (4402) and a buffer (4403), that records a sound, wherein the annotation information is a sound recorded by the sound recorder (see col. 17, lines 31-48).
11. Regarding **claim 11**, Matsumoto et al. disclose that the annotation information is added to a region within an image displayed on the display (see col. 10, lines 36-42).
12. Regarding **claim 12**, Matsumoto et al. disclose that, as the annotation information, different pieces of annotation information are added to a plurality of regions within an image displayed on the display (see figure 9).
13. Method **claims 13 and 14** are drawn to the method of using the corresponding apparatus claimed in claims 1 and 2. Therefore method claims 13 and 14 correspond to apparatus claims 1 and 2 and are rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (US 6,229,566 B1).**

16. Regarding **claim 4**, as mentioned in the discussion of claims 1-3 above, Matsumoto et al. disclose all the limitations of the parent claim. However, Matsumoto et al. do not explicitly disclose that, when an image selected as an image to which to add annotation information is deleted from the recording medium, the display displays the selection screen for permitting selection of an image to which to add annotation information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to display the selection screen for permitting selection of an image to which to add annotation information, if the image selected as an image to which to add annotation information is deleted from the recording medium because it would have been expected by the user to go back to said selection screen since it would have been the last screen displayed.

17. Regarding **claim 7**, as mentioned in the discussion of claims 1 above, Matsumoto et al. disclose all the limitations of the parent claim. In addition, Matsumoto et al. disclose a display controller (112). Matsumoto et al., however, do not explicitly teach that, when the second selector selects an image recorded on the recording medium as an image to which to add annotation information, the controller displays on the display an image selected last time as an image to which to add annotation information before permitting selection of an image to which to add annotation information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to display the last image selected for edition as an image to which to add annotation information before permitting selection of an image in order to remind the user the last image that was annotated.

18. Regarding **claim 8**, as mentioned in the discussion of claims 1 above, Matsumoto et al. disclose all the limitations of the parent claim. In addition, Matsumoto et al. disclose a display controller (112). Matsumoto et al., however, do not explicitly teach that, when the second selector selects an image recorded on the recording medium as an image to which to add annotation information, the controller displays on the display an image to which annotation information has already been added as an image to which to add annotation information before permitting selection of an image to which to add annotation information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to display the last image selected to which annotation information has already been added as an image to which to add annotation information before permitting selection of an image in order to remind the user the last image that was annotated.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Lloyd-Jones et al. (US Pre-Grant Application Publication 2002/0055955 A1) disclose a method and an apparatus for annotating an image.
- Mizoguchi (US 5,805,215) discloses a method for generating image data and additional data paired with the image data.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wanda M. Negrón
February 5, 2007


DAVID OMETZ
SUPERVISORY PATENT EXAMINER